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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

**OREGON PRESCRIPTION DRUG
MONITORING PROGRAM, an agency
of the STATE OF OREGON,**

Plaintiff,

v.

**UNITED STATES DRUG
ENFORCEMENT ADMINISTRATION,
an agency of the UNITED STATES
DEPARTMENT OF JUSTICE,**

Defendant.

Case No.: 3:12-cv-02023-HA

**JOINT MOTION TO MODIFY
THE SCHEDULING ORDER**

**JOHN DOE 1, JOHN DOE 2, JOHN
DOE 3, JOHN DOE 4, DR. JAMES ROE,
and the AMERICAN CIVIL LIBERTIES
UNION OF OREGON, INC.,**

Plaintiffs-Intervenors,

v.

**UNITED STATES DRUG
ENFORCEMENT ADMINISTRATION,
an agency of the UNITED STATES
DEPARTMENT OF JUSTICE,**

Defendant in Intervention.

Defendant United States Drug Enforcement Administration (“DEA”), Plaintiff Oregon Prescription Drug Monitoring Program (“OPDMP”), and Plaintiffs-Intervenors John Does 1-4, Dr. James Roe, and the American Civil Liberties Union of Oregon, Inc., (“ACLU”), jointly move this Court to modify the scheduling order as follows:

Motion

1. The complaint was filed on November 9, 2012. Dkt. 1.
2. Upon the filing of the complaint, the Court set the following scheduling order: (1) discovery was to be completed by 3/11/2013; (2) the Joint Alternate Resolution Report was due by 4/8/2013; and (3) the Pretrial Order was due by 4/8/2013. Dkt. 2.
3. On January 1, 2013, the ACLU moved to intervene. Dkt. 7.
4. On March 31, 2013, this Court granted the motion to intervene. Dkt. 17.

5. On April 10, 2013, the ACLU filed its complaint in intervention. Dkt. 18.
6. On May 7, 2013, Defendant DEA answered the complaint in intervention. Dkt. 20.
7. The parties believe that discovery is not required and the issues can be decided on summary judgment.
8. The parties propose that the previous scheduling order be stricken and the scheduling order be modified as follows:

By June 14, 2013, OPDMP to file its motion for summary judgment.

By July 1, 2013, ACLU to file its motion for summary judgment.

By August 15, 2013, Defendant DEA to file a combined response brief to Plaintiffs' motions. DEA also to file a cross-motion for summary judgment against both Plaintiffs. DEA has the option of combining its response briefs with its memorandum of law in support of its cross-motions for summary judgment.

By September 16, 2013, both OPDMP and ACLU are to file a combined response and reply brief.

By October 1, 2013, Defendant DEA to file its reply brief.

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Conclusion

The parties request that the scheduling order be modified as set forth above.

Dated this 15th day of May, 2013

Respectfully submitted,

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Attorney General
State of Oregon

/s/Sheila H. Potter
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